

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NONJUDICIAL FORFEITURE  
PROCEEDING

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MBD. No. 19-mc-91157

**JOINT MOTION TO EXTEND TIME TO FILE CIVIL COMPLAINT AND/OR  
OBTAIN INDICTMENT ALLEGING FORFEITURE**

The United States of America, by its attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, as authorized pursuant to 18 U.S.C. § 983(a)(3)(A), hereby moves upon agreement of the parties to extend from April 30, 2019 and May 29, 2019 to June 29, 2019 the time in which the United States is required to file a Verified Complaint for Forfeiture *in Rem* and/or obtain an Indictment alleging forfeiture regarding the following property to which a claim has been filed by Austin Nedved (the “Claimant”) in a nonjudicial civil forfeiture proceeding with the United States Customs and Border Protection (“CBP”) and the United States Postal Inspection Service (“USPIS”):

- a. \$440,000 in United States currency, seized on December 11, 2018, from Austin Nedved, in Shrewsbury Massachusetts;
- b. \$33,654.95 in United States currency, seized on December 11, 2018, from Austin Nedved, in Shrewsbury Massachusetts;
- c. \$670 in United States currency, seized on December 11, 2018, from Austin Nedved, in Northborough, Massachusetts;
- d. \$8,000 in United States currency, seized on December 14, 2018, from Cong Nguyen, in Boston, Massachusetts;
- e. \$1,500 in United States currency, seized on December 14, 2018, from Joseph Fallstrom, in Boston, Massachusetts;
- f. \$9,000 in United States currency, seized on December 14, 2018, from Joseph Fallstrom, in Boston, Massachusetts;
- g. \$10,000 in United States currency, seized on December 14, 2018, from J. Merrell, in Boston, Massachusetts;

- h. \$11,220 in United States currency, seized on December 14, 2018, from Jordan Dunbar, in Boston, Massachusetts;
- i. \$1,700 in United States currency, seized on December 14, 2018, from Charles Thomas, in Boston, Massachusetts;
- j. \$1,800 in United States currency, seized on December 14, 2018, from Anthony Ufkin, in Boston, Massachusetts;
- k. \$1,500 in United States currency, seized on December 14, 2018, from Russ Williams, in Boston, Massachusetts;
- l. \$9,000 in United States currency, seized on December 14, 2018, from Jon Wray, in Boston, Massachusetts;
- m. \$4,400 in United States currency, seized on December 14, 2018, from Adam Vito, in Boston, Massachusetts;
- n. \$2,000 in United States currency, seized on December 14, 2018, from RDT LNU, in Boston, Massachusetts; and
- o. \$10,743 in United States currency, seized on December 14, 2018, from Holden Smith, in Boston, Massachusetts;

(the “Defendant Properties”).

After the Defendant Properties were seized by law enforcement on December 11 and 14, 2018, CBP and USPIS timely commenced administrative forfeiture proceedings. On or about February 4, 2019, CBP received a claim for items a. through c. of the Defendant Properties from the Claimant, through his attorney Geoffrey Nathan, Esq. On or about February 28, 2019, USPIS received a claim for items d. through p. of the Defendant Properties from the Claimant, through his attorney Geoffrey Nathan, Esq. No other claims were submitted in the nonjudicial forfeiture proceeding, and the time to do so has expired. CBP and USPIS have transmitted both claims to the United States Attorney for the District of Massachusetts for the purpose of initiating a judicial forfeiture against the Defendant Properties.

In general, the United States must take action within 90 days after a claim was filed in the nonjudicial forfeiture proceeding, unless the time is extended for good cause or upon agreement of the parties. Specifically, 18 U.S.C. § 983(a)(3)(A) provides:

(A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

(Emphasis added).

Here, the parties agree and jointly move that the Court grant the requested extension so that they may more fully explore potential resolution of the matter without the need for further litigation. A proposed order is submitted herewith.

WHEREFORE, the United States and Claimant respectfully jointly request that the Court enter an Order extending the period in which the United States is required to file a complaint against the Defendant Properties and/or obtain an indictment alleging that the Defendant Properties are subject to forfeiture to June 29, 2019.

Respectfully submitted,

ANDREW E. LELLING  
United States Attorney

CLAIMANT AUSTIN NEDVED  
by his attorney,

By: /s/ Carol E. Head  
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Dated: April 18, 2019

**CERTIFICATE OF SERVICE**

I, Carol E. Head, Assistant United State Attorney, certify that the foregoing motion filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and mailed to attorney Geoffrey G. Nathan, Esq.

/s/ Carol E. Head

CAROL E. HEAD

Assistant United States Attorney

Dated: April 18, 2019